

### REMARKS

Reconsideration and allowance of this application are respectfully requested in light of the above amendments and the following remarks.

The title has been amended as required in Section 1 of the office action, so as to correspond to the subject matter of the claims.

Claims 1-10 are canceled in favor of new claims 11 and 12 which clarify and highlight patentable features of this invention. These new claims are supported at least by Fig. 1 and the discussion at specification page 4, line 24 through page 12, line 14.

Previous claims 1, 3, 5 and 7 were rejected under 35 USC 103(a) as unpatentable over Tanaka et al. (US 5781542A) in view of Hwang (US 2002/0060997A1). Previous claims 2, 4, 6, 8 and 10 were rejected under 35 USC 103(a) as unpatentable over Tanaka et al. (US 5781542A) in view of Hwang (US 20020060997A1) and further in view of Uesugi (US 2004/0042386).

To the extent these references may be applied against new claims 11 and 12, the Applicant respectfully traverses based on the points set forth below.

New claim 11 is directed to features of the present invention including a control section that detects the number of

retransmissions for a retransmission signal and determines the degree of multiplexing obtained by a plurality of spreading sections based on the detected number of retransmissions, a multiplexing section that multiplexes the retransmission signals spread by the plurality of spreading sections based on the determined degree of multiplexing, and a transmission section that transmits the multiplexed retransmission signal. This subject matter provides a result of, for example, increasing the degree of multiplexing of the spread signal of the retransmission signal as the number of retransmissions increases.

New claim 12 is directed to a feature of the present invention wherein the control section decreases the degree of multiplexing for signals other than the retransmission signal multiplexed with the multiplexed retransmission signal as the number of retransmissions increases.

It is submitted that Tanaka et al. (US 5781542A), Hwang (US 20020060997A1) and Uesugi (US 2004/0042386), considered alone or together, fail to disclose or suggest the above-noted features of the present invention.

In particular, in order to realize the above-noted features of the present invention, it would have been necessary for the applied prior art references to provide a mechanism for identifying how many retransmissions including the present

transmission have been performed. However, each of Tanaka, Hwang and Uesugi fails to disclose or suggest a feature of identifying the number of retransmissions.

Thus, the applied references fail to teach or suggest, *inter alia*, a control section that detects a number of retransmissions for the retransmission signal and determines a degree of multiplexing obtained by the plurality of spreading sections based on the detected number of retransmissions.

Further, Tanaka, Hwang and Uesugi fail to disclose or suggest decreasing the degree of multiplexing for signals other than the retransmission signal multiplexed with the multiplexed retransmission signal as the number of retransmissions increases.

The office action notes that Tanaka does not disclose increasing the number of spreading codes assigned to a retransmission signal as a number of retransmissions increases, but alleges that Hwang cures this deficiency by a disclosure of performing retransmission after increasing the number of transmission multicodes (citing the Abstract, Figs. 5 and 6, and paragraph [0003], paragraphs [0051] through [0056] and paragraph [0082]).

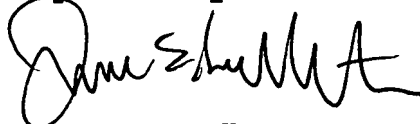
The Applicant notes that Hwang teaches transmitting initial data by an initial coding rate and/or an initial transmission power value and after receiving a retransmission (NAK) request,

performing a retransmission by reducing the coding rate and increasing the transmission power and/or the number of multi-codes according to the retransmission (NAK) request. However, Hwang does not teach or suggest detecting the number of retransmissions for a retransmission signal and determining the degree of multiplexing obtained by a plurality of spreading sections based on the detected number of retransmissions

For at least the above reasons, the Applicants respectfully submit that claims 11 and 12 are allowable over the individual or combined teachings of Tanaka, Hwang and Uesugi.

Accordingly, it is submitted that this application is in condition for allowance, and a notice to that effect is respectfully solicited.

Respectfully submitted,



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